



Signed and Filed: October 29, 2019

*Dennis Montali*

DENNIS MONTALI  
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA

In re: ) Bankruptcy Case  
PG&E CORPORATION, ) No. 19-30088-DM  
- and - ) Chapter 11  
PACIFIC GAS AND ELECTRIC COMPANY, ) Jointly Administered  
Debtors. ) Date: October 23, 2019  
Time: 10:00 AM  
☐ Affects PG&E Corporation ) Place: Courtroom 17  
☐ Affects Pacific Gas and ) 450 Golden Gate Ave.  
Electric Company ) 16th Floor  
☒ Affects both Debtors ) San Francisco, CA  
  
\* All papers shall be filed in )  
the Lead Case, No. 19-30088 (DM). )

**ORDER DENYING APPLICATION OF THE OFFICIAL COMMITTEE OF TORT  
CLAIMANTS (DKT. NO. 4018) TO CONFIRM THE SCOPE OF EMPLOYMENT OF  
BAKER & HOSTETLER LLP OR AMEND THE ORDER AUTHORIZING RETENTION  
AND EMPLOYMENT (DKT. NO. 1331)**

The Official Committee of Tort Claimants ("TCC") wants to expand the authority of its counsel, or reaffirm the extent of that authority, to take an active role in the Tubbs fire litigation pending in San Francisco Superior Court. For the reasons that follow, that motion (Dkt. No. 4018) is DENIED.

1           When Baker & Hostetler LLP ("Baker") was employed, the  
2 boilerplate language utilized included a statement authorizing  
3 it to represent the TCC before this court "and such other courts  
4 or tribunals, as appropriate." The San Francisco Superior Court  
5 ("SF Superior") was not mentioned.

6           When the court considered the motion of the TCC to grant  
7 relief from stay for specific Tubbs fire victims as plaintiffs  
8 to proceed, SF Superior was specifically identified but nothing  
9 was said suggesting that Baker would be involved in that trial.  
10 In fact, before the motion was heard, state court counsel for  
11 some plaintiffs joined in the motion. The court clearly  
12 considered that the motion, having originally been filed by the  
13 TCC for the benefit of the named plaintiffs, was being pressed  
14 for them, primarily by those same state court counsel.

15           The court is concerned that what Baker now wants creates an  
16 unworkable arrangement. It would either be acting as a  
17 functional co-counsel with the state court counsel or as their  
18 ghost writer to deal with bankruptcy issues that do not appear  
19 to be legally relevant to the state court trial issues. This is  
20 also notwithstanding the obvious: the outcome of that trial  
21 likely will have a material impact on the estimation proceedings  
22 in these cases.

23           This concern is borne out by the repeated statement by  
24 Baker that the state court trial involves claims estimation,  
25 confirmation issues and potential compromises of controversies.  
26 It includes neither of the first two; the third would be a  
27 welcome development but does not justify this extraordinary  
28 relief.

1 Baker assures all that it will not be representing any  
2 individual plaintiff. The statement, while true, exacerbates  
3 the confusion its expanded role would play. Will the jurors  
4 know Baker does not represent the plaintiffs? Will the named  
5 plaintiffs clearly understand the differences? This court is  
6 confident that the Superior Court judge will know the  
7 difference, but who will explain to that judge why estimation  
8 and confirmation issues even need to be mentioned?

9 When this court allowed the Tubbs trial to proceed it was  
10 to facilitate a procedure in the manner it would have proceeded  
11 absent a bankruptcy. Had the TCC tried to import estimation and  
12 confirmation issues at that point the decision to grant relief  
13 from stay might have gone the other way.

14 In short, expanding or defining the role of Baker as  
15 requested in the SF Superior action is not appropriate.  
16 It confuses the issues before that court and this one and will  
17 not be permitted.

18 The motion is DENIED.

19 **\*\*END OF ORDER\*\***